

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
ALBERTO JUAREZ,) CASE NO. 09-24476 JPK
) Chapter 7
Debtor.)

ORDER FOR HEARING ON TRUSTEES NOTICE OF DEFAULT
REQUEST FOR DENIAL OF DISCHARGE ('NOTICE/REQUEST')

The Notice/Request was filed by the Chapter 7 Trustee Kenneth A. Manning on February 22, 2010. The Notice/Request refers to an order of the court entered on May 12, 2010 as record entry #32, and requests that pursuant to the terms of that order – in light of the debtor's asserted default – the debtor's discharge should be denied. However, the debtor's discharge was entered on January 25, 2010, prior to the date upon which the Trustee and the debtor apparently entered into their proposed agreed order, and prior to the date upon which the court entered that agreed order. Given that the debtor's discharge had been entered – a circumstance which neither of the parties nor the court apparently considered with respect to the May 12, 2010 order – the court questions the propriety of the remedy in light of the debtor's default. It would seem that the remedy which should have been invoked, and included in the agreement, was revocation of discharge. To effect the remedy apparently provided for by the order and requested by the Notice/Request, it would seem to first necessitate setting aside the discharge order which would appear to potentially require something more than an implicitly stated phrase in the May 12, 2010 order.

IT IS ORDERED that a hearing will respect to the Notice/Request, and the foregoing matters, will be held on **April 20, 2012, at 11:15 A.M.**

Dated at Hammond, Indiana on March 2, 2012.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee